Reg No BG 202

# The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

PART IV—2 A

BANGALORE THURSDAY, MARCH 14, 1963
(PHALGUNA 23, SAKA ERA 1884).

No 71

## MYSORE LEGISLATIVE ASSEMBLY

### NOTIFICATION.

No. 17483—L A , Bangalore 1, dated 14th March 1962

Under Rule 64 of the Rules of Procedure and Conduct o Business in the Mysore Legislative Assembly, the Speaker has beer pleased to order the publication in the *Mysore Gazette* of the **Mysor Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1962,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information

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# THE MYSORE BEEDI INDUSTRIAL PREMISES (REGULATION OF CONDITIONS OF WORK) BILL, 1962.

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# THE MYSORE BEEDI INDUSTRIAL PREMISES (REGULATION OF CONDITIONS OF WORK) BILL, 1962.

**A Bill to regulate the conditions of work in beedi industrial premises the State of Mysore.**

WHEREAS it is expedient to regulate the conditions of work in edi industrial premises in the State of Mysore ,

BE it enacted by the Mysore State Legislature in the Thirteenth ear of the Republic of India as follows .—

## CHAPTER I

### PRELIMINARY.

**1. Short title, extent and commencement** — (1) This Act may be lled the Mysore Beedi Industrial Premises (Regulation of Conditions Work) Act, 1962.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the Government ay, by notification, appoint

**2. Definitions.**—In this Act, unless the context otherwise quires—

(*a*) " adult " means a person who has completed eighteen ars of age ,

(*b*) " beedi industrial premises " means any place or premises, cluding the precincts thereof, in any part of which any manufacturg process connected with the production of beedies is being carried or is ordinarily carried on with or without the aid of power ,

(*c*) " beedi industry " means any industry relating to the anufacture of beedies ,

(*d*) " child " means a person who has not completed fourteen ars of age ,

(*e*) " competent authority " means any officer authorized by e Government, by notification, to perform the functions of the mpetent authority under this Act for such area as may be specified the notification ,

(*f*) "employee" means a person employed directly or thi any agency whether for wages or not in any beedi industry t any work, skilled, unskilled, manual or clerical and includes person who is employed in such industry and declared by Government by notification to be an employee for the purpos this Act,

(*g*) "employer" means the person who has the ulti control over the affairs of any beedi industrial premises or who by reason of his advancing money, supplying goods or otherw substantial interest in the control of the affairs of any beedi in trial premises and includes,—

(i) a proprietor or a registered user of a trade mark regis under the Trade and Merchandise Marks Act, (Central Act 43 of 1958), in relation to beedi, and

(ii) any other person to whom the affairs of any beedi in trial premises are entrusted (whether such other pe is called a managing agent, manager, superintende by any other name),

(*h*) "Government" means the State Government,

(*i*) "Inspector" means the Inspector appointed under section (1) of section 6,

(*j*) "manufacturing process" means any process for incidental to, making, finishing or packing or otherwise treating article or substance with a view to its use, sale, transport, deliver disposal as beedies,

(*k*) "notification" means a notification published in official Gazette,

(*l*) "prescribed" means prescribed by rules made under Act,

(*m*) "rules" means rules made under this Act,

(*n*) "week" means a period of seven days beginning at i night on Saturday night;

(*o*) "year" means the year commencing from the 1st A and ending with 31st March,

(*p*) "young person" means a person who has comple fourteen years of age but not completed eighteen years of age

## CHAPTER II.

### LICENSING.

. **Beedi industrial premises to be licensed** —Save as otherwise led in this Act, no place or premises shall, after a period of three as from the date of commencement of this Act, be used as a beedi trial premises without a licence obtained from the com- t authority and except in accordance with the terms and condi- specified therein.

. **Licences** —(1) Any person who intends to use any place or ses as a beedi industrial premises shall make an application in ig to the competent authority for a licence therefor, together such particulars as may be prescribed.

(2) The application shall specify the maximum number of oyees to be employed at any time of the day in the place or pre- and shall be accompanied by a plan of the place or premises red in such manner as may be prescribed

(3) The competent authority shall, in deciding whether to grant use a licence, have regard to the following matters, namely —

(*a*) the suitability of the place or premises which is proposed to be used for the manufacture of beedies;

(*b*) the status and previous experience of the applicant,

(*c*) the financial resources of the applicant including his financial capacity to meet the demands arising out of the provisions of the laws for the time being in force relating to welfare of labour,

(*d*) whether the application is made *bona fide* on behalf of the applicant himself or *benami* on behalf of any other person,

(*e*) whether the beedi manufactured by the applicant will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958 (Central Act 43 of 1958), in relation to beedi, or any other person,

(*f*) the welfare of labour in the locality;

(*g*) the interest of the public generally; and

(*h*) such other matters as may be prescribed.

(4) (*a*) A licence granted under this section shall be valid for : and shall, subject to the provisions of this Act, be renewed year to year.

(*b* The competent authority shall, in deciding whether renew a licence or to refuse a renewal thereof, have r to the matters specified in sub-section (3)

(5) The competent authority shall not grant or ren licence unless it is satisfied that the provisions of this Act and have been substantially complied with.

(6) The competent authority may cancel or suspend licence granted or renewed under this Act if it appears to it, giving the holder thereof an opportunity of being heard, that licence has been obtained by misrepresentation or fraud or that licensee has contravened, or failed to comply with, any of the p sions of this Act or rules or any of the terms or conditions c licence.

(7) The Government may issue to competent authorities orders and directions of a general character as the Government consider necessary in respect of any matter relating to licences u this section

(8) Subject to the foregoing provisions of this section, competent authority may grant or renew licences under this Ac such terms and conditions as it may determine. Where the petent authority refuses to grant or renew any licence, it shall by a reasoned order communicated to the applicant, giving the reason writing for such refusal.

**5. Appeals**.—Any person aggrieved by the decision of the petent authority refusing to grant or renew a licence or cancelli licence under section 4 may, within such time as may be prescr appeal to the prescribed authority and the prescribed authority make such order in the case as it may think fit.

## CHAPTER III.

### Inspecting Staff.

**6 Inspectors**.—(1) The Government may, by notifica appoint such persons as possess the prescribed qualifications, t Inspectors for the purposes of this Act and may assign to them local limits as it may think fit.

(2) Every Inspector shall be deemed to be a public ser within the meaning of section 21 of the Indian Penal Code (Cer Act XIV of 1860).

'. **Powers of Inspectors.**—(1) Subject to any rules made in this f, an Inspector may for the purposes of the enforcement of this within the local limits for which he is appointed—

(*a*) make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been and are being complied with in any place or premises,

(*b*) require the production of any prescribed register and any other document relating to the manufacture of be-dies,

(*c*) enter at all reasonable times any place or premises including the residences of employees when he has reasonable grounds for suspecting that any beedi industry is being carried on or is ordinarily carried on in any such place or premises,

(*d*) exercise such other powers as may be prescribed for carrying out the purposes of this Act

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself

(2) For the purposes of clause (*c*) of sub-section (1), an In- or may, after giving due notice to the employer, or in the absence employer, to the occupier, enter the beedi industrial premises such assistants, if any, as he thinks fit.

(3) Every employer shall accord to the Inspector all reasonable ties in the discharge of his duties under this Act.

## CHAPTER IV

### HEALTH.

3 **Cleanliness**.—Every beedi industrial premises shall be kept and free from effluvia arising from any drain, privy or other nce and in particular—

(*a*) accumulations of dirt and refuse shall be removed daily by ping or by any other effective method from the floors and nes of work rooms and from staircases and passages, and disposed a suitable manner,

(*b*) the floor of every work room shall be cleaned at least once ery week by washing, using disinfectants where necessary, or by other effective method;

(*c*) all inside walls, and partitions, all ceilings or tops of room and all walls, sides and tops of passages and staircases shall—

(*i*) where they are painted or varnished, or where they ha smooth impervious surfaces, be cleaned at least once every period of fourteen months by such methods as ma be prescribed,

(*ii*) where they are painted or varnished, be repainted revarnished at least once in every period of five years,

(*iii*) in any other case, be kept whitewashed or colourwashe at least once in every twelve months.

**9 Ventilation.**—(1) The Government may prescribe a standard adequate ventilation and reasonable temperature to be maintained the beedi industrial premises.

(2) Wherever dust or fume or other impurity of such a natur and to such an extent as is likely to be injurious or offensive to th employees is given off, by reason of the manufacturing process carrie on, the competent authority may require the employer to take such effective measures as may prevent its inhalation and accumulation i any work room

**10. Overcrowding.**—(1) No room in any beedi industrial premise shall be overcrowded to an extent injurious to the health of th employees employed therein

(2) Without prejudice to the generality of sub-section (1) there shall be in every work room of such premises at least one hundred and fifty cubic feet of space for every employee employed therein, and for the purposes of this sub-section no account shall be taken of any space which is more than ten feet above the level of the floor of the work room.

**11. Drinking water.**—(1) In every beedi industrial premises effective arrangements shall be made by the employer to provide and maintain at suitable points conveniently situated for all employees a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "drinking water" in a language understood by the majority of the employees employed in the premises and no such point shall be situated within twenty feet of any washing place, urinal or latrine except with the prior approval in writing of the competent authority

**12. Latrines and urinals.**—(1) In every beedi industrial premises sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to employees at all times while they are in the beedi industrial premises

Provided that it shall not be necessary to provide for separate urinals in the beedi industrial premises where less than fifty persons are employed or where the latrines are connected to any waterborne sewage system.

(2) The Government may prescribe the number of latrines and urinals to be provided in any beedi industrial premises in proportion to the number of men and women employees ordinarily employed therein and provide for such further matters in respect of sanitation in the beedi industrial premises including the obligation of employees in this regard, as it considers necessary in the interests of the health of the employees employed therein.

## CHAPTER V.

### WELFARE.

**13. Washing facilities.**—In every beedi industrial premises where rolling and sieving of tobacco or warming of beedies in hot ovens is carried on, the employer shall provide such washing facilities for the use of the employees as may be prescribed.

**14. Creches.**—(1) In every beedi industrial premises wherein more than fifty women employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women employees

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(3) The Government may make rules—

(*a*) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section,

(*b*) requiring the provision in beedi industrial premises to which this section applies of additional facilities for the care of children belonging to women employees, including suitable provision of facilities for washing and changing their clothing,

(c) requiring the provision in any beedi industrial premises o free milk or refreshment or both for such children ,

(d) requiring that facilities shall be given in any beed industrial premises for the mothers of such children t feed them at the necessary intervals

**15. First Aid.**—(1) There shall, in every beedi industria premises, be provided and maintained so as to be readily accessible during all working hours, first aid boxes or cupboards equipped with the prescribed contents and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty employees ordinarily employed at any one time in the premises.

(2) Nothing except the prescribed contents shall be kept in a first aid box or cupboard.

(3) Each first aid box or cupboard shall be kept in the charge of a person who is trained in first aid treatment and who shall always be readilyavailable during the working hours of the beedi industrial premises.

**16. Canteens.**—The Government may make rules requiring that in any specified beedi industrial premises wherein not less than two hundred and fifty employees are ordinarily employed, a canteen shall be provided and maintained by the employer for the use of employees

## CHAPTER VI.

### WORKING HOURS.

**17. Working hours.**—No employee shall be required or allowed to work in a beedi industrial premises for more than nine hours in any day or more than forty-eight hours in any week

Provided that any adult employee may be allowed to work in such beedi industrial premises for any period in excess of the limit fixed under this section subject to payment of overtime wages, if the period of work, including overtime work does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

**18. Wages for overtime work**—(1) Where any employee employed in any beedi industrial premises is required to work overtime he shall be entitled in respect of such overtime work, to wages at twice the ordinary rate of wages

(2) Where the employees in a beedi industrial premises are paid on a piece rate basis, the Government shall, in consultation with the employer concerned and the representatives of the employees, fix for the purposes of this section, time rates as nearly as possible equivalent to the average rate of earnings of those employees, and the rates so fixed shall be deemed to be the ordinary rates of wages of those employees.

(3) For the purposes of this section, "ordinary rate of wages" means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the concessional sale to employees of foodgrains and other articles, as the employee is for the time being entitled to, but does not include a bonus.

(4) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.

*Explanation* 1.—"Standard family" means a family consisting of the employee, his or her spouse and two children requiring in all three adult consumption units.

*Explanation* 2.—"Adult consumption unit" means the consumption unit of a male above the age of fourteen years and the consumption unit of a female above the age of fourteen years and that of a child shall be calculated at the rate of ·8 and ·6 respectively of one adult consumption unit

**19. Interval for rest.**—The periods of work for employees in a beedi industrial premises each day shall be so fixed that no period shall exceed five hours and that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

**20. Spread over** —The periods of work of an employee in a beedi industrial premises shall be so arranged that along with his interval for rest, they shall not spread over more than ten hours in any day.

**21 Weekly holidays** —(1) Every beedi industrial premises shall remain entirely closed except for wetting of wrapping leaves on one day in the week which day shall be specified by the employer in a notice permanently exhibited in a conspicuous place in the premises and the day so specified shall not be altered by the employer more often than once in three months and except with the previous written permission of the Inspector.

(2) Notwithstanding anything contained in sub-sectic an employee employed in the said premises for wetting of Wr leaves on the day on which it has remained closed in pursua sub-section (1) shall be allowed a substituted holiday on one three days immediately before or after the said day

(3) Notwithstanding any contract to the contrary, no ded shall be made from the wages of any employee on account holiday allowed to him under this section.

**22. Notice of periods of work.**—(1) There shall be co maintained and displayed in every beedi industrial premises a of periods of work in such form and in such manner as may be cribed showing clearly for every day the periods during employees may be required to work.

(2) (*a*) A copy of the notice referred to in sub-section (1 be sent in triplicate to the Inspector having jurisdiction ov beedi industrial premises within two weeks from the date of gr licence for the first time in the case of premises carrying on w the date of commencement of this Act, and in the case of pr beginning work after such commencement, before the day on work is begun in the premises.

(*b*) Any proposed change in the system of work whic necessitate a change in the notice referred to in sub-section (1 be notified to the Inspector in triplicate before the change is and, except with the previous sanction of the Inspector, n change shall be made until one week has elapsed since the last c

**23 Hours of work to correspond with notice under section** No employee shall be employed in any beedi industrial pr otherwise than in accordance with the notice of work displa the premises under section 22.

## CHAPTER VII.

### EMPLOYMENT OF WOMEN AND CHILDREN.

**24. Prohibition of employment of children**—No child sh required or allowed to work in any beedi industrial premises.

**25 Prohibition of employment of woman or young person certain hours**—No woman or young person shall be required or al to work in any beedi industrial premises except between 6 a m 7 p.m.

## CHAPTER VIII

### LEAVE WITH WAGES.

. **Annual leave with wages.**—(1) Every employee who has l for a period of not less than two hundred and forty days in a ndustrial premises during a calendar year shall be allowed in osequent calendar year, leave with wages for a number of days ated—

(i) in the case of an adult, at the rate of one day for every twenty days of work performed by him during the previous calendar year ;

(ii) in the case of an young person, at the rate of one day for every fifteen days of work performed by him during the previous calendar year.

*xplanation 1.*—The leave admissible under this sub-section shall lusive of all holidays whether occurring during or at the begin- r at the end of the period of leave.

*xplanation 2.*—For the purpose of this sub-section—

(a) any days of lay off, by agreement or contract or as permitted under the Standing Orders of the beedi industrial premises concerned,

(b) in the case of a woman employee, authorised absence for maternity purposes for any number of days not exceeding twelve weeks;

(c) the leave earned in the year prior to that in which the leave is enjoyed;

e deemed to be days on which the employee has worked for the se of computation of the period of two hundred and forty days t for earning leave.

(2) An employee whose service commences otherwise than on st day of January shall be entitled to leave calculated in accor- with sub-section (1) if he has worked for two-thirds of the total er of days in the remainder of the calendar year.

(3) If an employee is discharged or dismissed from service the course of the year, he shall be entitled to leave with wages rate laid down in sub-section (1) even if he has not worked for ntire period specified in sub-section (1) or sub-section (2) ng him to earn leave

(4) In calculating leave under this section, any fraction of leave f a day or more shall be treated as one full day's leave and any on of less than half a day shall be omitted.

(5) If any employee does not in any calendar year take whole of the leave allowed to him u ider sub-section (1) or sub-se (2), as the case may be, any leave not taken by him shall be a to the leave to be allowed to him in the succeeding calendar yea

Provided that the total number of days of leave that ma carried forward to a succeeding year shall not exceed thirty in case of an adult or forty in the case of an young person.

(6) An application by an employee for the whole or any tion of the leave allowed under sub-section (1) or sub-sectio shall be in writing and ordinarily be made sufficiently in advan the date on which he wishes his leave to begin.

(7) If the employment of an employee who is entitled to under sub-section (1) or sub-section (2), as the case may be, is t nated by the employer before he has taken the entire leave to v he is entitled or if having applied for leave he has not been gr such leave, or if the employee quits his employment before he taken the leave, the employer shall pay him the amount pa under section 27 in respect of leave not taken and such payment be made, where the employment of the employee is terminated the employer, before the expiry of the second working day after termination and where the employee quits his employment, o before the next pay day.

(8) The leave not availed of by an employee shall no taken into consideration in computing the period of any notice r red to be given before discharge or dismissal.

**27. Wages during leave period**—(1) For the leave allowe him under section 26, an employee shall be paid at a rate equa the daily average of his total full time earnings for the days on w he worked during the month immediately preceding his leave e sive of any overtime and bonus, but inclusive of dearness allow

(2) An employee who has been allowed leave for not less four days in the case of an adult and five days in the case o young person, shall, before his leave begins, be paid wages du the period of the leave allowed.

## CHAPTER IX

### MISCELLANEOUS.

**28 Application of the Payment of Wages Act, 1936 to industrial premises.**—(1) Notwithstanding anything contained in Payment of Wages Act, 1936 (Central Act IV of 1936) (hereinaft

ction referred to as the said Act), the Government may, by ation, direct that, subject to the provisions of sub-section (2), id Act or any of the provisions thereof or the rules made there- shall apply to all or any class of employees in beedi rial premises to which this Act applies.

(2) On the application of the provisions of the said Act to any industrial premises under sub section (1), the Inspector appoin- der this Act shall be deemed to be the Inspector for the purpose enforcement of the provisions of the said Act within the local of his jurisdiction

rovided that when by the cancellation or variation of any such ation, any provision of the Payment of Wages Act, 1936, or the made thereunder ceases to be applicable to any class of employees di industrial premises, the provisions of section 6 of the Mysore al Clauses Act, 1899, shall be applicable as if such provision had epealed.

(3) The Government may, by notification, cancel or vary any ation issued under sub-section (1)

**9. Special provisions** —(1) The Government may permit the ig or cutting of wrapping leaves by women employees outside the industrial premises on an application made by the employer on of such employees.

(2) The employer shall maintain in the prescribed a record of the work permitted under sub-section (1) carried on outside the beedi industrial premises

(3) Save as otherwise provided in this section, no employer require or allow any manufacturing process connected with the ction of beedies to be carried on outside the beedi industrial ses.

**0 Onus as to age.**—(1) When any act or omission would, if a n were under a certain age, be an offence punishable under this nd such person is in the opinion of the Court *prima facie* under age, the burden shall be on the accused to prove that such person under such age.

(2) A declaration in writing by a Medical Officer not below the of an Assistant Surgeon relating to an employee that he has nally examined him and believes him to be under the age stated in declaration shall, for the purposes of this Act and rules be sible as evidence of the age of that employee.

31 **Notice of dismissal.**—(1) No employer shall dispense with tl services of an employee employed continuously for a period of not le than six months, except for a reasonable cause and without giving suc employee at least one month's notice or wages in lieu of such notic provided however that such notice shall not be necessary where tl services of such employee are dispensed with on a charge of misconduc supported by sastisfactory evidence recorded at an enquiry held f the purpose

(2) (*a*) Any employee discharged, dismissed or retrenched, ma appeal to such authority and within such time as may be prescribe either on the ground that there was no reasonable cause for dispensin with his services or on the ground that he had not been guilty misconduct as held by the employer.

(*b*) The appellate authority may, after giving notice in th prescribed manner to the employer and the employee, dismiss th appeal or direct the reinstatement of the employee with or witho wages for the period he was kept out of employment or direct pay ment of compensation without reinstatement or grant such othe relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final an binding on both the parties, shall not be liable to be questioned in an Court of Law, and shall be given effect to within such time as may b specified in the order of the appellate authority.

32. **Penalty for obstructing Inspector.**—Whoever wilfull obstructs an Inspector in the exercise of any power conferred on hi by or under this Act, or fails to produce on demand by an Inspecto any register or other document in his custody kept in pursuance c this Act or of any rule made thereunder or conceals or prevents an employee in a beedi Industrial premises from appearing before, c being examined by, an Inspector, shall, on conviction, be punishe with imprisonment for a term which may extend to three month or with fine which may extend to five hundred rupees or with both.

33. **General penalty for offences.**—(1) Save as otherwise expressl provided in this Act, any person who contravenes any of the provision of this Act or of any rule made thereunder or fails to pay wages c compensation in accordance with any order of the appellate authorit passed under clause (*b*) of sub-section (2) of section 31, shall on convic tion, be punished, for the first offence, with fine which may extend t two hundred and fifty rupees, and for a second or any subsequen offence with imprisonment for a term which shall not be less than on month or more than six months or with fine which shall not be less tha one hundred rupees or more than five hundred rupees, or with both.

(2) (*a*) Any employer who fails to reinstate an employee in accordance with any order of the appellate authority passed under clause (*b*) of sub-section (2) of section 31 shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees

(*b*) Any employer, who after having been convicted under clause (*a*) continues to fail to reinstate an employee in accordance with the order mentioned in that clause, shall, on conviction, be punished for each day after the previous date of conviction, during which he continues so to offend, with fine which may extend to twenty rupees.

(*c*) Any Court trying an offence punishable under this sub-section may direct that the whole or any part of the fine realised from the accused shall be paid by way of compensation to the person who, in its opinion, has been injured by such failure.

(3) Any compensation required to be paid by an employer under clause (*b*) of sub-section (2) of section 31 but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936).

(4) It shall be no defence in a prosecution of any person for contravention of section 3 that any manufacturing process connected with the production of beedies was carried on by such person with the help of any person other than a member of his family living with or dependent on such person.

*Explanation.*—For purposes of sub-section (4), "family" shall mean wife, husband, and children

**34. Indemnity.**—No suit, prosecution, or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**35. Cognizance of offences.**—(1) No Court shall take cognizance of any offence under this Act except on complaint by, or with the previous sanction in writing of, an Inspector

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

**36. Central Act XX of 1946 to apply to beedi industrial premises.**—The provisions of the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946), as in force for the time being shall apply to every beedi industrial premises wherein fifty or more employees are employed or were employed on any one day of the preceding twelve months as if such industrial premises were an industrial establishment to which the aforesaid Act has been applied

by a notification under sub-section (3) of section 1 thereof, and as if the employee in the said premises were a workman within he meaning of that Act

**37 Central Act XIV of 1947 to apply to beedi industrial premises** —The provisions of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), shall apply to matters arising in respect of all beedi industrial premises

**38. Certain Acts not to apply to beedi industrial premises.**—On and from the date on which this Act comes into force, the Factories Act, 1948 (Central Act LXIII of 1948) and the Mysore Shops and Commercial Establishments Act, 1961, and any law corresponding to that Act as in force in any area of the State shall cease to apply to beedi industrial premises

**39. Rights and privileges under other laws, etc., not affected** —(1) Nothing contained in this Act shall affect any rights or privileges which any employee working in any beedi industrial premises is entitled to under any other law, contract, custom or usage, applicable to such beedi industrial premises, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act

(2) If any question arises whether the rights or privileges aforesaid are more favourable to any employee than those to which he would be entitled under this Act or whether all or any of the provisions of this Act apply to a beedi industrial premises or to a person employed therein, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and shall not be liable to be questioned in any Court of Law.

**40. Power to exempt.**—The Government may, by notification, exempt, subject to such conditions and restrictions as it may impose,—

(*a*) any beedi industrial premises,

(*b*) any beedi industry, or

(*c*) any class of employees,

from all or any of the provisions of this Act or any rules made thereunder

**41 Power to make rules** —(1) The Government may, after previous publication by notification, make rules to carry out the purposes of this Act

(2) Without prejudice to the generality of the foregoing power ch rules may provide for—

(*a*) the terms and conditions subject to which a licence may be granted or renewed under this Act and the fees to be paid in respect of such licence,

(*b*) the form of application for a licence under this Act and the documents and plans to be submitted together with such application,

(*c*) submission of a monthly return by an employer to the competent authority specifying the quantity of beedi tobacco released by the Central Excise Department and the number of beedies manufactured by him,

(*d*) the time within which appeals may be presented under this Act,

(*e*) the manner in which the cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed,

(*f*) the records and registers that shall be maintained in beedi industrial premises for the purpose of securing compliance with the provisions of this Act and the rules made thereunder,

(*g*) any matter expressly required or allowed by this Act to be prescribed

(3) Every rule made under this Act, shall be laid as soon as ay be after it is made, before each House of the State Legislature hile it is in session for a total period of thirty days which may be mprised in one session or in two successive sessions, and if, before ie expiry of the session in which it is so laid or the session imme- iately following, both Houses agree in making any modification in ie rule or both Houses agree that the rule should not be made, the ile shall thereafter have effect only in such modified form or be of no fect, as the case may be, so however, that any modification or nnulment shall be without prejudice to the validity of anything reviously done under that rule

## Statement of Objects and Reasons

In the working of the beedi industry in this State, it has found that attempts are being made to deprive the employee this industry of the protection and amenities contemplated by various labour laws. It has become very difficult to establish there is employer-employee relationship between the proprieto beedi factories and their workers As such, it has been fc impracticable to enforce the labour laws. It is also found there is a tendency on the part of the employers in this indu to resort to devices to circumvent the operation of the Factories 1948 by splitting the factories into branches and also by carr on the work through contract system so as to make it difficult the workers to claim their rights and privileges under the var laws.

The beedi manufacturing premises are at present dirty, healthy, without proper ventilation, lighting and sanitation, the result that the condition of workers is not satisfactory below the normal standard of health and sanitation There is system of regular working hours, no regular payment of wages, holidays with wages, etc. The net result of all this is that employees are working under unsatisfactory conditions

With a view to eradicate these evils, it has become neces to prohibit the manufacture of beedies except in places licensed the purpose. Hence this Bill

Provision has been made in the Bill for measures in respec the working hours, weekly holidays, overtime, and leave wages The employment in a beedi factory of children, that persons who have not completed fourteen years is prohibited, the working at night in such premises of women, and young pers that is persons who have completed fourteen years of age but completed eighteen years of age is also prohibited

The provisions of the Payment of Wages Act, 1936, the Ind trial Disputes Act, 1947, and the Industrial Employment (Stand Orders) Act, 1956, have been made applicable to the workers beedi industrial premises so as to enable them to derive the bene accruing thereunder

**Memorandum regarding delegated legislation.**

se 5 empowers the State Government to prescribe the time hich and the authority to which an appeal may be preferred on aggrieved by the decision of the competent authority o grant or renew a license or cancelling a licence

se 6 empowers the State Government to prescribe the ions for appointment as Inspectors.

se 7 empowers the State Government to make rules regar- cise of powers by Inspectors for purposes of enforcement of to prescribe the register relating to manufacture of beedies, be the powers other than those specified in the clause, to be by Inspectors

se 9 empowers the State Government to prescribe by rules d of adequate ventilation and reasonable temperature to be ed in beedi industrial premises

se 12 empowers the State Government to prescribe the latrines and urinal accommodation to be provided in beedi l premises and also the number of latrines and urinals ith reference to the number of men and women employees ovide for such other matters in respect of sanitation as the ent considers necessary in the interests of the health of the s.

se 13 empowers the State Government to prescribe the washing facilities to be provided by employers.

se 14 empowers the State Government to make rules pre- the location and the standards regarding construction, dation, furniture and other equipment or rooms to be provi- reches, for additional facilities for the care of children to women employees including facilities for washing and , for provision for free milk or refreshment or both for such and for requiring grant of facilities to mothers of such to feed them at the necessary intervals

se 15 empowers the State Government to prescribe the of first aid boxes

se 16 empowers the State Government to make rules requi- in any specified beedi industrial premises employing not less employees, a canteen shall be provided and maintained by oyer.

clause (1) of Clause 22 empowers the State Government to the form and manner in which a notice of periods of work

should be maintained and displayed in every beedi
premises.

Sub-clause (2) of Clause 29, empowers the State Gover
prescribe the form in which, a record of the work of w
cutting of wrapping leaves by women employees outside t
industrial premises permitted by Government has to be m
by the employer.

Sub-clause (2) of Clause 31 empowers the State Govern
prescribe the authority to which and the time within w
employee, discharged, dismissed or retrenched, may appeal
manner in which the appellate authority may give notice
employer and enployee

Clause 41 empowers the State Government to make r
previous publication to carry out the purposes of the Act and
the matters in respect of which such rules may be made.

The rules made under the Act will be laid before both E
the State Legislature and are subject to modifications to be
the Legislature.

The proposed delegation of Legislative power is of a
character.

D DEVARAJ

G. S. VENKATARAMANA I
*Sec*

Printed by the Director of Printing, Stationery and Publications at the Govt Press, B